

Application No: 10/665,687

Docket No.: Q137-US6

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REMARKS

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Claim 43 is currently amended. Claims 1-42 and 46-66 are canceled. Claims 44-45, and 67-86 were previously presented. Accordingly, claims 43-45, and 67-86 are pending examination.

Rejection of Claims Under 35 USC §103

Claim 43 is amended to include subject matter from claim 66. Claim 66 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,501,916 (Teramoto) in view of U.S. Patent No. 6,399,242 (Kitoh). As a result, the Applicant addresses Teramoto in view of Kitoh below.

Claim 43 now recites that "the tab extend(s) from a first location adjacent to the case past a center point of the second cap to a second location where the tab is physically connected to the second end cap." In order to clarify the relationship between the center point, the first location, and the second location, Claim 43 has also been amended to recite that "the tab extend(s) past the center point at a location between the first location and the second location." Claim 43 also recites that "the tab is not connected to the second end cap from the first location to the second location." As a result, in order to support the obviousness rejection, the cited art much teach or suggest that the tab is not connected to the second end cap from the first location adjacent to the case, past the center point of the second cap, to the second location.

The Office Action cites Figure 4 of Kitoh for the required teaching. Figure 4 of Kitoh teaches tabs that extend from adjacent to a case past a centerpoint of an endcap. However, in contrast to the requirements of claim 43, the tabs are physically connected to the endcap before extending past the centerpoint. As a result, the tabs disclosed in Figure 4 of Kitoh do not provide the required teaching or suggestion.

The Office Action further states that "Teramoto et al. does not teach a conductive tab extending from a location adjacent to the case to a location where the tab is electrically connected to the second battery lid." As a result, Teramoto also does not provide the required teaching or suggestion.

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Since neither Teramoto nor Kito teaches or suggests a tab that is not connected to a second end cap from the first location adjacent to the case, past the center point of the second cap, to the second location, Teramoto in view of Kito does not teach or suggest every element of claim 43. As a result, claim 43 is patentable over Teramoto in view of Kito.

Rejection of claims 44-45, and 67-86

Claims 44-45, and 67-86 each depends directly or indirectly from independent claim 43. Since claim 43 is believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

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CONCLUSION

Applicant submits that the claims define patentably over the prior art and that this application is in condition for allowance. Accordingly, favorable consideration and allowance of this application is courteously requested.

The Examiner is encouraged to telephone the undersigned with any questions.

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